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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TITLE:	Elevator Cab Design	)
		) Art Unit 3654
INVENTORS:	Jeffrey Friedman	)
	Harold S. Friedman	) Examiner: Pico, Eric
	Angelo Palmieri	)
		)
APPLICATION NO.:	10/748,440	)
		)
FILING DATE:	December 30, 2003	)

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 25, 2008

TRANSMITTAL LETTER FOR REPLY BRIEF

Dear Sir:

Attached are the following documents.

1. Reply Brief.
2. Certificate of Mailing by First Class Mail.
3. Return Postcard.

The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 23-3428.

Dated: March 25, 2008

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TITLE:	ELEVATOR CAB DESIGN	) Examiner: Eric E. Pico
		)
INVENTORS:	Jeffrey Friedman	)
	Harold Friedman	)
	Angelo Palmieri	) Group Art Unit: 3654
		)
APPLICATION NO.:	10/748,440	)
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FILING DATE:	December 30, 2003	)

Commissioner for Patents
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REPLY BRIEF

In response to the Examiner's Answer, dated January 25, 2008 Applicants submit this Reply Brief.

Status of Claims

Claims 1 - 10 are pending the in application and claims 1 – 10 have been rejected. Applicants appeal the rejection of claims 1-10.

Grounds of Rejection to be Reviewed on Appeal

Applicants request review since one or more essential elements needed for a *prima facie* rejection are missing and not shown by any of the references of record.

1. Accordingly, Applicants request review of the final rejection of the subject matter of claim 1 under 35 U.S.C. §103(a) over Lazar, in view of Akira and Brounn. See Office Action dated November 3, 2006 at pp. 2-3.

2) In addition, Applicants request review of the final rejection of claim 7 under 35 U.S.C. §103(a) over Lazar, in view of Brounn, Seki, Norihisa, and Akira. See Office Action dated November 3, 2006 at pp. 6-8.

Reply to Examiner's Answer

1. None of the Cited References Disclose or Suggest "stiffeners on the interior of the shell panels to provide suitable support" as Required by Claim 1 .

Claim 1 has been finally rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,700,809 to Lazar in view of JP 06-144,748 to Akira and U.S. Patent No. 3,631,942 to Brounn. Although the Examiner has cited several references to support an obviousness rejection by way of combination, none of the references disclose or even suggest an important aspect of the invention: "stiffeners on the interior of the shell panels to provide suitable support". Furthermore, none of references, whether taken alone or in combination disclose any teaching, suggestion or motivation for providing a construction according to the claimed subject matter which increases the interior space of an elevator cab while providing suitable support and allowing for the use of decorative panels.

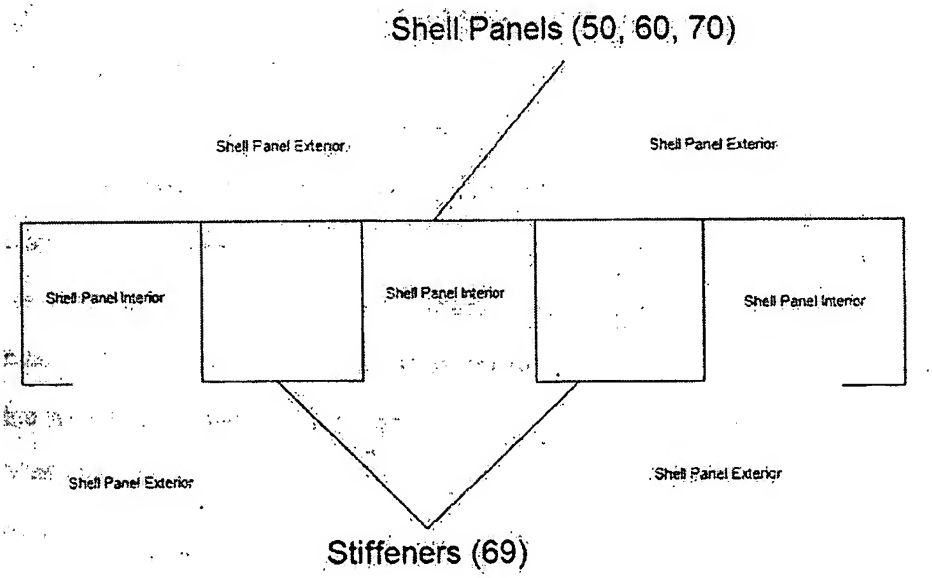
Lazar does not suggest or disclose "stiffeners on the interior of the shell panels to provide suitable support" as required by claim 1.

In response to applicants' argument, the Examiner has offered and wholly new and previously uncommunicated interpretation of Lazar, which is contrary to the teaching of Lazar, contrary to the Examiner's earlier stated position, contrary and inconsistent with the claim terms and the specification, and supported by a diagram provided by the Examiner which is misleading and misrepresents the disclosure of Lazar.

The Examiner's creative interpretation of Lazar, as communicated in the

Examiner's Answer dated January 25, 2008, appears to rely on an interpretation of the term "stiffeners on the interior of the shell panels to provide suitable support" as providing that the stiffeners can be on an exterior side of the shell panel, and not limited to "**on** the interior" as required by the claims.

The Examiner has stated that "Lazar clearly shows **the interior of shell panels**, referred to as panels 50, 60, 70, provided with suitable supports, referred to as vertical corrugations 69, 79." (emphasis added). The Examiner's interpretation of Lazar, however, is not so clear and the Examiner has provided the following diagram which purports to show "stiffeners on the interior of the shell panel" as required by claim 1.



The diagram supplied by the Examiner purports to show a panel having a cavity which the Examiner has labeled "Shell Panel Interior." In addition, the diagram shows two stiffeners 69 on one side of the panel and two additional structures, unlabeled, at two of the edges of the panel. Presumably, these two additional structures correspond to "side

edges" 66, 66a, and 69 in Lazar.

For at least the following reasons, Applicants submit that the Examiner's response fails to support the final rejection of claim 1 under 35 U.S.C. § 103.

a) Examiner's Interpretation of Lazar is Contrary to the Teachings of Lazar

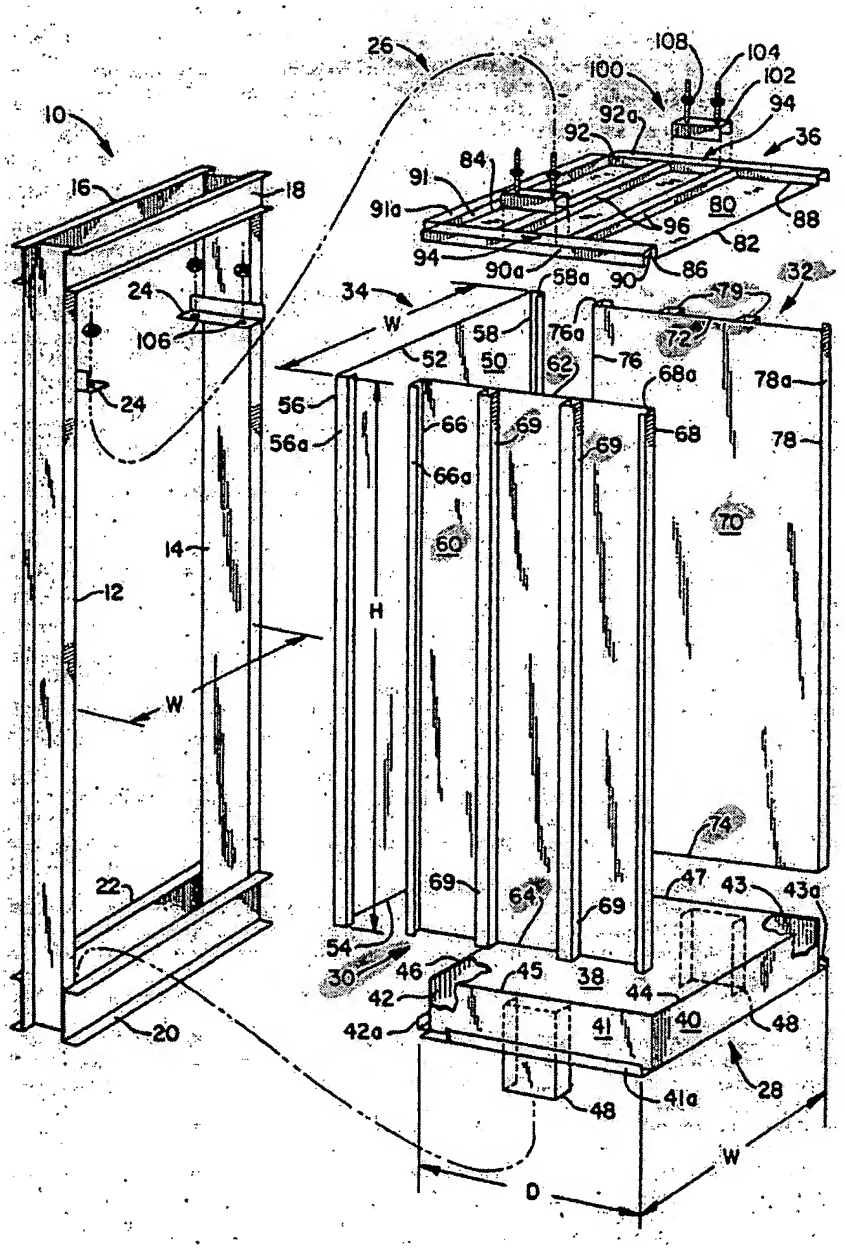
The Examiner's interpretation of Lazar as describing "stiffeners on the interior of the shell panels" is inconsistent with and contrary to Lazar's description of "shell panels" and the use of the term "exterior" and "interior."

Lazar describes the "side edges 66 and 68" as forming "one leg of a U-shaped channel 66a, 68a that projects at a right angles towards the car **exterior**..." Col. 2, lines 22-25. Accordingly, Lazar uses the term "exterior" to describe the placement of structures exterior to the elevator cab relative to an exterior area, being generally outside the elevator cab, as opposed to the interior of the elevator cab.

In the Office Action dated November 11, 2006, the Examiner stated that "Lazar discloses an elevator cab ... including shell panels, referred to as flat rectangular sheet-metal panel 50, 60, 70." Thus, as the Examiner previously acknowledged, Lazar describes the panels as sheet-metal panels which are not provided with an "interior" within which stiffeners can be placed **"to provide suitable support"** much less **"on"** as required by the claims.

As shown in the sole diagram of Lazar, stiffeners are provided on an exterior side of the shell panels in relation to the interior or the elevator cab; specifically, on two

exterior sides of two of the panels and are placed near a middle portion of the two sides.



Accordingly, Lazar does not describe "stiffeners on the interior of the shell panels" and the Examiner's interpretation of Lazar as having a "shell panel interior" is not supported by Lazar.

b) Claim 1 is Properly Interpreted in View of the Specification as Requiring "stiffeners on the interior of the shell panels" and not on the Exterior side of the Shell Panels as shown in Lazar

The Examiner's interpretation of "stiffeners on the interior of the shell panels" as including stiffeners on the exterior side of the shell panels as shown in Lazar is inconsistent and contrary to the plain language of the claims, as well as the disclosure of the specification and drawings.

Among other things, Claim 1 requires "stiffeners on the interior of said shell panels to provide suitable support." As explicitly stated in the preamble of the claim, claim 1 provides a "construction for increasing **interior** cab size." (emphasis added) Accordingly, a plurality of shell panels are provided "forming the **interior** walls of the cab." (emphasis added). Therefore, from the plain language of claim 1, "interior" is properly interpreted as providing a descriptive reference relative to an interior direction, i.e., toward the inside of the elevator cab, as opposed to the outside of the elevator cab. Therefore, "on the interior" includes providing a plurality of stiffeners on the interior sides of the shell panels, and not on the exterior sides of the shell panels as described by Lazar.

In addition, the Examiner's interpretation of claim 1 is inconsistent to the language of the claim when viewed in light of the specification, drawings, and other claims. Indeed, it is inconsistent with the very purpose of the invention.

For example, in the background, the specification describes traditional

constructions wherein:

> shell panels are traditionally stiffened by vertical stiffeners on the **exterior** of the shell **that extend toward the elevator shaft**. Decorative panels are mounted on the **inside of the shell panels** so as to **extend into the interior** of the elevator cab. Thus the wall thickness will be the sum of the shell wall and the depth of the exterior vertical stiffeners plus the thickness of a decorative panel mounted on the shell.

See p. 1. (Emphasis added).

The specification goes on to describe the invention which provides "a novel way of increasing internal cab size of a standard elevator cab while still retaining decorative design features of removable decorative interior panels." See p. 2.

In addition, the specification provides:

> Advantageously, the use of the stiffeners on the inside of the shell panels and the mounting of the decorative panels on the shell panel between the stiffeners increases the internal width and depth of the elevator cab interior. By placing the stiffeners **on the inside of the cab**, they also serve to decorate the space between the panels ("reveals").

See p. 3. (Emphasis added).

In addition, the specification states that stiffeners can be applied to assembled panels: specifically stiffeners can be "vertical and hat-shaped sections, typically of stainless steel, which are applied vertically to the inside of the assembled panels." See p. 11.

Furthermore, the proper interpretation of providing "stiffeners on the interior of the shell panels" and not on the exterior side of the shell panels as shown in Lazar is consistent with other claim language in claim 1, in view of the specification. For

example, claim 1 requires "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners." In order for the decorative panels to be mounted "on the interior of said cab and mounted between said stiffeners" the stiffeners are properly interpreted as being disposed at an interior side of the shell panels, and not an exterior side as in Lazar.

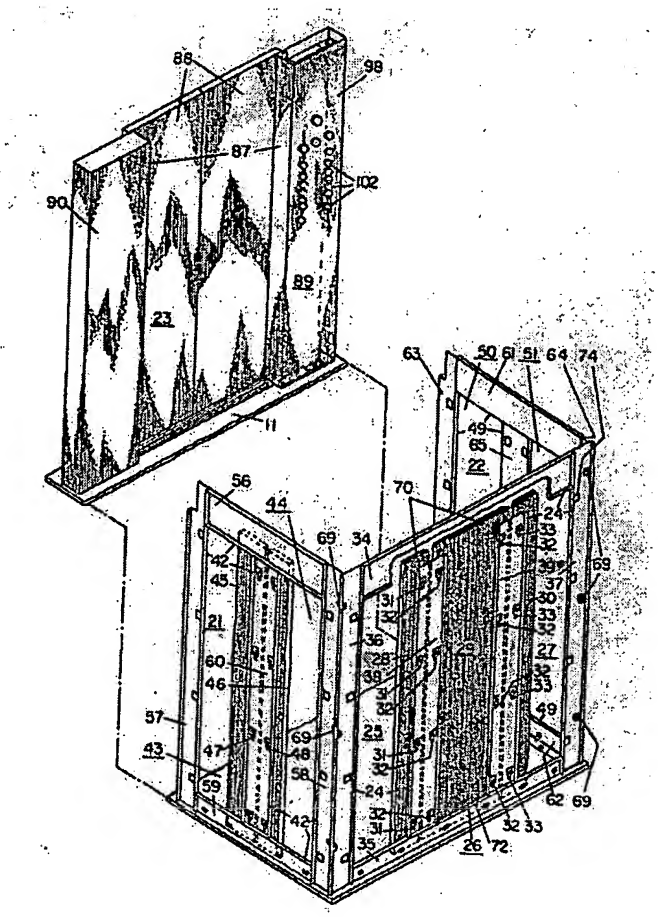
2. Neither Lazar, Akira or Brounn Disclose or Suggest Providing "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners" as Required by Claim 1

In the Examiner's Answer, the Examiner has maintained that Brounn describes providing decorative panels "mounted between said stiffeners." However, the Examiner's application of Brounn fails to consider the other language of the claim which gives meaning to the claim term "between."

Brounn does not disclose or suggest "decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners." See Applicant's Response dated September 13, 2006 at p. 8-9. The wall panels in Brounn (28, 29, 30, 45, 46, 52, 53) are mounted **on top** of the columns (38, 39, 60, 65) in Brounn, and not on the shell panels as required by claim 1.

Furthermore, Brounn's skeleton construction lacks shell walls for mounting decorative panels on the shell panels and between the stiffeners. See, e.g., Fig. 1. Claim 1 requires **both:** that the decorative panels are mounted on the shell panels and between the stiffeners. This claim requirement provides for a novel aspect of the invention of

providing for decorative panels mounted between stiffeners, which provide suitable support while increasing the interior size of an elevator cab. For the Board's reference, Fig. 1 of Brounn is provided below:



In addition, Brounn does not disclose or suggest decorative panels "mounted **between** said stiffeners" as required by claim 1. The wall panels referred to by the Examiner as decorative panels are not "mounted between said stiffeners" because they are mounted on top of the stiffeners and extend substantially into the interior of the elevator cab, thereby substantially increasing the thickness of the wall. In addition, the panels are disposed on top of the stiffeners and in an interior direction from the stiffeners

into the interior of the cab, and are disposed on a different plane from the stiffeners. Accordingly, the Examiner's application of Brounn as describing decorative panels "mounted between said stiffeners" is unreasonable application to the claimed subject matter, and contrary to and inconsistent with a proper interpretation of the claims in view of the specification for the instant application which provide panels between the stiffeners, not on top of the stiffeners, thereby increasing the interior space of the elevator cab.

3. None of the References, Whether Taken Alone or in Combination, Disclose or Suggest the Subject Matter of Claim 7.

For at least the above states reasons regarding claim 1, the subject matter of claim 7 is neither suggested nor disclosed by the references or record. Specifically, neither Lazar, Akira nor Brounn disclose or suggest "interior stiffeners formed on said shell panels" to provide stiffening nor "decorative panels mounted on said shell panels on the interior of said cab between said vertical stiffeners."

In addition, in response to the Examiner's Answer, Seki does not suggest or disclose a base and transom which are both channel shaped and offset outwardly from the vertical plane of the shell panels toward the elevator interior, as required by claim 7. Applicants are unable to determine from the Examiner's description of Seki how reinforcement 9 is contemplated to be a shell panel. In Seki, it appears that side plate 3 may be a shell panel since Seki describes providing an "elevator car formed out of plural combined side plates", and that "reinforcement 9" which Seki describes as "fixed at the

back surface of the side plate 3" is an entirely different structure and not a shell panel as described by the Examiner. For at least this reason as well, "side plate 3" is not a base and transom as described by the Examiner.

Furthermore, Norihisa et al. does not disclose or suggest "vertical hat-shaped interior stiffeners formed on [the] shell panels" as required by claim 7. The structure 25 in Norihisa is not on the interior of the shell panels. Instead, the structure 25 in Norihisa is shown as attached to the outside of an inner-wall structure, and entirely **within** the wall structure.

4. Conclusion

For at least the above stated reasons, the final rejection of claims 1 and 7 should be reversed and the claims allowed. Since claims 2-6, and 8-10 depend from claims 1 and 7, claims 1-10 contain allowable subject matter in view of the art of record. Accordingly, Applicants respectfully request allowance of claims 1-10. Attorneys for Applicants are available to discuss any of the forgoing at (212) 681-0800.

Dated: March 25, 2008

Respectfully submitted,

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APPENDICES

Claims Appendix

1. (Original) An elevator cab construction for increasing interior cab size of elevator cab including:

(a) shell panels forming the interior walls of the cab with a ceiling and platform.

(b) stiffeners on the interior of said shell panels to provide suitable support,

(c) vertical corner trim stiffeners in the corners of the cab supporting said shell panel,

(d) decorative panels mounted on said shell panels on the interior of said cab and mounted between said stiffeners.

2. (Original) The elevator cab of claim 1 wherein said shell panels have openings to the elevator shaft to provide ventilation through said stiffeners.

3. (Original) The elevator cab of claim 2 wherein said stiffeners are vertical and separate strips of stiff material attached vertically to said shell panels.

4. (Original) The elevator cab of claim 3 wherein said decorative panels are approximately the same thickness as said vertical stiffeners and extend inwardly from said shell panels.

5. (Original) The elevator cab of claim 4 wherein said vertical stiffeners are channel-shaped.

6. (Original) The elevator cab of claim 5 wherein said shell panels are attached to

said platform by a base section and to the ceiling by a transom riser section offset from the plane of said shell panels.

7. (Previously presented) An elevator cab construction for increasing the interior cab size of elevator cab including a platform and a ceiling

(a) shell panels forming the interior walls of said elevator cab attached to said ceiling and platform by a base and transom which base and transom are both channel-shaped and offset outwardly from the vertical plane of said shell panels toward the elevator interior,

(b) vertical hat-shaped interior stiffeners formed on said shell panels from said panel material to provide stiffening,

(c) vertical corner trip stiffeners in the corners of the cab to support said shell panels,

(d) decorative panels mounted on said shell panels on the interior of said cab between said vertical stiffeners.

8. (Original) The elevator cab of claim 7 wherein said decorative panels are approximately the same thickness as said vertical stiffeners.

9. (Original) The elevator cab of claim 8 wherein said vertical stiffeners are hat-shaped.

10. (Original) The elevator cab of claim 9 wherein said shell panels have an opening to the elevator shaft to provide ventilation through said hat-shaped vertical stiffeners.

11. (Cancelled) The elevator cab of claim 10 wherein said shell panels are attached to said platform by a base section and to the ceiling by a transom riser section.

Evidence Appendix

No additional evidence is provided.

Related Proceedings Appendix

There are no related decisions or proceedings.

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		) Art Unit 3654
INVENTORS:	Jeffrey Friedman	)
	Harold S. Friedman	) Examiner: Pico, Eric
	Angelo Palmieri	)
		)
APPLICATION NO.:	10/748,440	)
		)
FILING DATE:	December 30, 2003	)

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that the foregoing Reply Brief, Certificate of Mailing by First Class Mail and Return Postcard are being mailed by first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 25th day of March, 2008.

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